

**BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF DELAWARE**

IN THE MATTER OF:

Ican Benefit Group, LLC, an unauthorized
insurer; NATIONAL ASSOCIATION OF
INDEPENDENT BUSINESS aka NAIB, a
Missouri corporation; HAROLD LEON SHATZ,
a non-licensed non-resident producer (NPN
7155383), STEPHEN M. TUCKER,
a non-licensed non-resident producer
(NPN 447478), SAMUEL G. SHATZ, a non-
licensed non-resident producer (NPN
8207924), and KIM E. TAVENDALE, a
non-licensed non-resident producer (NPN
7890376.

Docket No. 2005-139

CEASE AND DESIST ORDER

WHEREAS, Ican Benefit Group, LLC ("IBG"), is a Florida domiciled limited liability company having a business address of Suite 230, 6413 Congress Avenue, Boca Raton, Florida 33487; and

WHEREAS, the National Association of Independent Business aka NAIB ("NAIB") is alleged to be a corporation of the State of Missouri and which represents itself to be an association as that term is used in 18 *Del. C.* § 3506; and

WHEREAS, NAIB is alleged to offer group health insurance to persons in Delaware who join the association for that purpose in accordance with the terms advertised by IBG and others unnamed in this Order; and

WHEREAS, Neither NAIB nor IBG is recognized by the National Association of Insurance Commissioners as an insurance company; and

WHEREAS, Neither NAIB nor IBG is registered or certificated as an insurer in the State of Delaware; and

WHEREAS, the president of IBG is Harold Leon Shatz, a non-resident producer who is not licensed in the State of Delaware but who is licensed in the states of Florida, Illinois, Ohio and Texas and is nationally registered under NPN 7155383 and whose business address is the same as IBG's; and

WHEREAS, the executive vice president of IBG is Stephen M. Tucker, a non-resident producer who is not licensed in the State of Delaware but who is licensed in the states of Florida, Illinois, Ohio and Texas and is nationally registered under NPN 447478 and whose business address is the same as IBG's; and

WHEREAS, the senior vice president of IBG is Samuel G. Shatz, a non-resident producer who is not licensed in the State of Delaware but who is licensed in the state of Florida and is nationally registered under NPN 8207924 and whose business address is the same as IBG's; and

WHEREAS, the operations manager of IBG is Kim E. Tavendale, a non-resident producer who is not licensed in the State of Delaware but who is licensed in the state of Florida and is nationally registered under NPN 7890376 and whose business address is the same as IBG's; and

WHEREAS, IBG is marketing a health insurance benefit product under the guise of a membership program in the State of Delaware through unknown agents and representatives obtained through its internet and/or other open solicitation programs; and

WHEREAS, IBG, NAIB and the individual respondents, jointly and severally are in violation of any or all of 18 Del. C. §§ 1703, 2101, 2712, 3506 and therefore subject to such sanctions and penalties as may be imposed under Delaware law including, but not limited to, 18 Del. C. §§ 106, 329, 2111 and 2308.

WHEREAS, it is in the interest of the citizens of the State of Delaware that the Department enter a cease and desist order to assure that IBG, NAIB and the individual respondents, jointly and severally comply with Delaware law, take such actions to refund payments made to it/them obtained as a result of its/their solicitation in Delaware and to seek such other penalties as are appropriate to terminate the wrongful conduct of the respondents.

THEREFORE, EFFECTIVE THIS 20th DAY OF SEPTEMBER, 2005, IT IS SO ORDERED AS FOLLOWS:

- 1. Pending further order, IBG, NAIB and the individual respondents, jointly and severally shall cease and desist from all activities in the State of Delaware including, but not limited to the advertising (by any means) for agents or representatives to sell or distribute kits or materials, the solicitation of Delaware citizens or residents to purchase membership or any other participation or benefit from any or all of the respondents, the distribution of sales and/or benefit materials to citizens or residents of the State of Delaware exemplified by IBG's National Choice Plan, the solicitation of health care providers for the purpose of accepting payments pursuant to the distribution and/or solicitation of advertising or membership materials in the State of Delaware as well as any method or form of communication by any means directly or indirectly designed to promote the so called Health Benefit Solution advertised in kits or materials**

provided by the respondents or through the web solicitation at icanbenefit.com or any related or linked site.

2. Respondents, jointly and severally, shall notify all persons, firms or entities marketing, selling or distributing materials, kits or the like on their behalf in Delaware to cease and desist from all such activities and to provide written confirmation to the Delaware Department of Insurance of the persons, firms or entities so noticed along with a copy of said notice.


3. Respondents, jointly and severally, shall refund to any Delaware citizen any moneys paid to or obtained by the respondents as a result of their joint and several sales activities in Delaware, cancel any memberships extended to such citizens without set off or any other deduction and provide written confirmation of the same to the Delaware Department of Insurance.

4. That any or all of the respondents shall, as a condition of any re-consideration of this Order, take those steps necessary to qualify under any applicable provision of Delaware law as a licensed insurer and/or producer including, as may be applicable, the qualification of NAIB, or any affiliate or subsidiary thereof, as an association under 18 *Del. C.* § 3506 and that any entity or person acting on behalf of NAIB, or any affiliate or subsidiary thereof, shall be properly licensed as a producer in the State of Delaware or establish, to the satisfaction of the Department of Insurance, that such provisions of Delaware law are not applicable to them as producers or insurers.

3. The respondents, jointly and severally, shall place a legend in all of their materials, websites or the like informing any potential agent or subscriber that the offering or

sale of the benefits described in the advertising materials to citizens of the State of Delaware is prohibited.

4. The terms of this Order shall be subject to such additional orders or modifications as may become necessary based on the facts and circumstances disclosed to or obtained by the Delaware Department of Insurance.



Matthew Denn
Insurance Commissioner